

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	ED CV 23-2279-FMO	Date	April 8, 2024
Title	In Re: Dena Marie Howard-Walton		

Present: The Honorable Fernando M. Olguin, United States District JudgeVanessa FigueroaNone PresentDeputy ClerkCourt Reporter / RecorderAttorneys Present for Plaintiffs:Attorneys Present for Defendants:None PresentNone Present**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal for Lack of Prosecution**

Pursuant to Federal Rule of Bankruptcy Procedure 8009(b)(1),¹ appellant was required to either “(A) order in writing from the reporter . . . a transcript of such parts of the proceedings not already on file as the appellant considers necessary for the appeal, and file a copy of the order with the bankruptcy clerk; or (B) file with the bankruptcy clerk a certificate stating that the appellant is not ordering a transcript.” See Fed. R. Bankr. P. 8009(b)(1)(A)-(B). Appellant was required to do so “[w]ithin the time period prescribed by” Rule 8009(a)(1), see *id.*, which in turn states that appellant must do so no later than 14 days after appellant’s notice of appeal became effective under Rule 8002. See Fed. R. Bankr. P. 8009(a)(1). Here, appellant was required to comply with the requirements of Rule 8009(b)(1) no later than November 17, 2023. See *In re: Dena Marie Howard-Walton*, Case No. 6:23-bk-13690, Dkt. 42, Notice of Appeal [] (Bankr. C.D. Cal. 2023). As of the filing date of this order, she has not done so. See, generally, *id.* at Dkt.

Accordingly, IT IS ORDERED THAT, no later than **April 19, 2024**, appellant shall file a declaration under penalty of perjury establishing that appellant has complied with the Federal Rules of Bankruptcy Procedure noted above. Appellant shall attach a filed copy of all the documents she submitted to the Bankruptcy Court to comply with this Order and the Federal Rules of Bankruptcy Procedure noted above. **Failure to submit the declaration and supporting documents by the deadline set forth above shall result in the dismissal of this action for lack of prosecution.** See Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962); *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir. 2002).

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Initials of Preparer	<u>vdr</u>		

¹ All further “Rule” citations refer to the Federal Rules of Bankruptcy Procedure unless otherwise indicated.